



House of Representatives

General Assembly

File No. 629

January Session, 2005

Substitute House Bill No. 6882

House of Representatives, May 2, 2005

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PENALTY FOR OPERATING A MOTOR VEHICLE WITHOUT AN OPERATOR'S LICENSE AND DURING AND AFTER A PERIOD OF LICENSE SUSPENSION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) Any person whose motor
2 vehicle operator's license has been suspended who operates a motor
3 vehicle after the expiration of such period of suspension without
4 obtaining the reinstatement of such license shall (1) during the first
5 sixty days after such expiration, be deemed to have failed to renew
6 such license and be subject to the penalty for failure to renew a motor
7 vehicle operator's license under subsection (c) of section 14-41 of the
8 general statutes, and (2) after said sixty-day period, be subject to the
9 penalty for operating a motor vehicle without a license under section
10 14-36 of the general statutes. Any operator so charged shall not be
11 prosecuted under section 14-215 of the general statutes for the same act
12 constituting a violation under this section.

13 Sec. 2. Subsection (b) of section 14-111 of the general statutes is
14 repealed and the following is substituted in lieu thereof (*Effective*
15 *October 1, 2005*):

16 (b) (1) Whenever the holder of any motor vehicle operator's license
17 has been convicted or has forfeited any bond taken or has received a
18 suspended judgment or sentence for any of the following violations,
19 the commissioner shall, without hearing, suspend his operator's license
20 as follows: For a first violation of subsection (a) of section 14-224 or
21 section 14-110, 14-215 or 53a-119b, for a period of not less than one
22 year and, for a subsequent violation thereof, for a period of not less
23 than [five] two years; for a violation of subsection (a) of section 14-222,
24 for a period of not less than thirty days or more than ninety days and,
25 for a subsequent violation thereof, for a period of not less than ninety
26 days; for a violation of subsection (b) of section 14-224, for a period of
27 not less than ninety days; for a first violation of subsection (b) of
28 section 14-147, for a period of not less than ninety days and, for a
29 subsequent violation thereof, for a period of not less than five years;
30 for a first violation of subsection (c) of section 14-147, for a period of
31 not less than thirty days and, for a subsequent violation thereof, for a
32 period of not less than one year.

33 (2) The commissioner may suspend the motor vehicle operator's
34 license of any person (A) who was arrested for a felony, and (B) for
35 whom there is an outstanding warrant for rearrest for failing to appear
36 when legally called with regard to such felony. The suspension shall
37 terminate no later than the date on which such person appears before
38 the court with regard to such felony or such failure to appear.

39 Sec. 3. Subsection (h) of section 14-36 of the general statutes is
40 repealed and the following is substituted in lieu thereof (*Effective*
41 *October 1, 2005*):

42 (h) (1) Any person who violates any provision of this section shall,
43 for a first offense, be deemed to have committed an infraction and be
44 fined not less than seventy-five dollars or more than ninety dollars
45 and, for any subsequent offense, shall be fined not less than two

46 hundred fifty dollars or more than three hundred fifty dollars or be
47 imprisoned not more than thirty days, or both.

48 (2) In addition to the penalty prescribed under subdivision (1) of
49 this subsection, any person who violates any provision of this section
50 who (A) has, prior to the commission of the present violation,
51 committed a violation of this section or subsection (a) of section 14-215,
52 shall be fined not more than five hundred dollars or sentenced to
53 perform not more than one hundred hours of community service, or
54 (B) has, prior to the commission of the present violation, committed
55 two or more violations of this section or subsection (a) of section 14-
56 215, or any combination thereof, shall be sentenced to a term of
57 imprisonment of ninety days which may not be suspended or reduced
58 in any manner.

59 Sec. 4. Subsection (b) of section 14-215 of the general statutes is
60 repealed and the following is substituted in lieu thereof (*Effective*
61 *October 1, 2005*):

62 (b) (1) Except as provided in subsection (c) of this section, any
63 person who violates any provision of subsection (a) of this section
64 shall, for a first offense, be fined not less than one hundred fifty dollars
65 or more than two hundred dollars or imprisoned not more than ninety
66 days, or be both fined and imprisoned, and, for any subsequent
67 offense, shall be fined not less than two hundred dollars or more than
68 six hundred dollars or imprisoned not more than one year, or be both
69 fined and imprisoned.

70 (2) Except as provided in subsection (c) of this section, in addition to
71 the penalty prescribed under subdivision (1) of this subsection, any
72 person who violates any provision of subsection (a) of this section who
73 (A) has, prior to the commission of the present violation, committed a
74 violation of subsection (a) of this section or section 14-36, shall be fined
75 not more than five hundred dollars or sentenced to perform not more
76 than one hundred hours of community service, or (B) has, prior to the
77 commission of the present violation, committed two or more violations
78 of subsection (a) of this section or section 14-36, or any combination

79 thereof, shall be sentenced to a term of imprisonment of ninety days
80 which may not be suspended or reduced in any manner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	14-111(b)
Sec. 3	<i>October 1, 2005</i>	14-36(h)
Sec. 4	<i>October 1, 2005</i>	14-215(b)

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Motor Vehicles	TF - Revenue Gain	Minimal	Minimal
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential	Potential

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact: None

Explanation

Section 1 could result in a minimal fiscal impact by clarifying that a person who operates a motor vehicle after a period of suspension has ended but before such person's license is restored has committed the violation of failing to renew a license or operating without a license, not the offense of operating while under suspension (which carries a larger fine and potential imprisonment).

Section 2 would result in an increase in the number of restoration fees paid to the Department of Motor Vehicles and thereby yield a minimal revenue gain to the Transportation Fund.

Sections 3 and 4 increase the penalties for certain repeat violators, which is expected to result in a minimal state revenue gain from fines and potential cost for incarceration or probation supervision. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

OLR Bill Analysis

sHB 6882

AN ACT CONCERNING THE PENALTY FOR OPERATING A MOTOR VEHICLE WITHOUT AN OPERATOR'S LICENSE AND DURING AND AFTER A PERIOD OF LICENSE SUSPENSION**SUMMARY:**

This bill establishes penalties for operating a motor vehicle without obtaining a reinstatement of a license after the suspension period has expired. Apparently, under current law, such violators are subject to the penalties for operating with a suspended license.

The bill reduces the mandatory license suspension periods for a second offense from at least five to at least two years for certain motor vehicle offenses.

It imposes additional penalties for certain people convicted of operating a motor vehicle without first obtaining a license, violating a condition of a conditional license, or operating a motor vehicle with a suspended or revoked license or registration, or with a refused license.

EFFECTIVE DATE: October 1, 2005

OPERATING A MOTOR VEHICLE WITHOUT OBTAINING A REINSTATEMENT OF A LICENSE (§ 1)

Under the bill, anyone whose motor vehicle license has been suspended who operates a motor vehicle after the suspension period has expired without obtaining a license reinstatement:

1. during the first 60 days after the expiration, is deemed to have committed an infraction which carries a \$75 fine; and
2. after the 60-day period, is deemed to have committed an infraction for a first offense (the current fine plus fees is \$158), and for a second offense, must be fined from \$250 to \$350, be imprisoned up to 30 days, or both.

The bill specifies that someone charged with this offense may not also

be prosecuted for operating a motor vehicle while his license is suspended. This offense generally carries a penalty for a first offense of a \$150 to \$200 fine, a prison term of up to 90 days, or both, and for any subsequent offense a fine of \$200 to \$600, a prison term of up to one year, or both.

REDUCTION OF LICENSE SUSPENSION PERIODS FOR CERTAIN SECOND OFFENDERS (§ 2)

The bill reduces the mandatory license suspension period from at least five years to at least two years for people convicted for the second time for any of the following offenses:

1. evading responsibility (§ 14-224),
2. swearing or affirming falsely to the motor vehicles commissioner enforcement regarding the motor vehicle laws (§ 14-110),
3. operating a motor vehicle with a suspended registration or license (§ 14-215), and
4. using a motor vehicle without the owner's permission or tampering with a motor vehicle (§ 53a-119b).

OPERATING A MOTOR VEHICLE WITHOUT OBTAINING A LICENSE OR IN VIOLATION OF A LIMITED LICENSE (§ 3)

By law, no one:

1. may operate a motor vehicle on any public highway of this state or on a private road on which a speed limit has been established until he has obtained a motor vehicle operator's license, or
2. issued a limited license may operate (a) a motor vehicle in violation of the limitations imposed by the license, or (b) any motor vehicle other than the motor vehicle for which his right to operate is limited.

Anyone who violates this law, for a first offense, is deemed to have committed an infraction (the current fine is \$75), for any subsequent

offense, is subject to a fine of \$250 to \$350, imprisonment for up to 30 days, or both.

The bill imposes additional penalties for certain violators. Under the bill:

1. anyone who has either violated this law before, or committed the offense of operating a motor vehicle while registration or license is refused, suspended, or revoked is subject to an additional fine of up to \$500 or up to 100 hours of community service; and
2. anyone who has committed either of these offenses at least twice before, or each one at least once before, must be given the additional mandatory sentence of 90 days in prison.

OPERATING A MOTOR VEHICLE WITH A SUSPENDED OR REVOKED LICENSE OR REGISTRATION (§ 4)

By law anyone who operates a motor vehicle with a suspended or revoked license or registration or with a license that has been refused is subject:

1. for a first offense, to a fine of \$150 to \$200, up to 90 days in prison, or both; and
2. for any subsequent offense, to a fine of \$200 to \$600, up to one year in prison, or both.

The bill imposes additional penalties for certain violators. Under the bill:

1. anyone who has either violated this law before, or committed the offense of operating a motor vehicle without first obtaining a license is subject to an additional fine of up to \$500, or up to 100 hours of community service; and
2. anyone who has committed either of these offenses at least twice before, or each one at least once, before must be given the additional mandatory sentence of 90 days in prison.

These additional penalties do not apply to people who were driving

with a suspended or revoked license on account of violating the driving under the influence or the implied consent law or being convicted of manslaughter in the second degree with a motor vehicle or assault in the second degree with a motor vehicle. Under current law, unchanged by the bill, these people are subject to a fine of between \$500 and \$1,000 and imprisonment of up to one year. In the absence of any mitigating circumstances as determined by the court, 30 consecutive days of the sentence imposed may not be suspended or reduced. The court must specifically state the mitigating circumstances in writing for the record.

BACKGROUND

Related Law-License Reinstatement

Any person whose operator's license or right to operate a motor vehicle in this state has been suspended or revoked by the commissioner of motor vehicles, must pay a restoration fee of \$125 (CGS §14-50b).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0